

Pressing Issues Face High Court

10/3/66 Rights, Liberties in Focus as Justices Return

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The Supreme Court returns today from a summer of discontent to take up some of the most pressing issues in the history of American civil rights and liberties.

At a time of restiveness about racial demonstrators who "take the law into their own hands," the Court is asked to hear the Rev. Dr. Martin Luther King's plea that he was justified in ignoring a hostile Birmingham court injunction.

When Vietnam is testing American loyalties, the court is asked to decide whether Julian Bond, former Student Nonviolent Coordinating Committee member, had a right to take his elected seat in the Georgia Legislature when he was excluded for not disavowing draft-card burners.

At a time when the right of privacy has taken on new importance in American life, the Court is called on to say whether the Government may use paid informers and secret agents to get evidence of crime from a man's home, or whether a State can forbid commercialization of a man's experiences without his consent.

While juvenile crime leads the way to new national crime rates, the Court is asked to decide whether juvenile courts adequately safeguard the rights of the individual, especially the right to counsel, while trying to protect society.

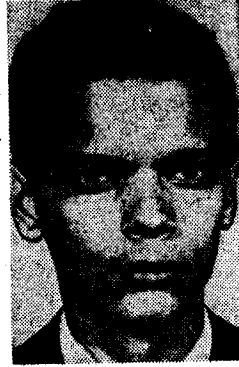
Having spelled out the meaning of police "compulsion" in stationhouse questioning, the Court is delving into the meaning of compulsory self-incrimination for gamblers, lawyers and even policemen.

The Court has a chance to decide — or to avoid — the Church-State issue of government grants to sectarian schools, the power of a court to separate a fit parent from his child, the constitutionality of laws against racial intermarriage, and California's fair housing controversy.

In the parent custody case,



James Hoffa



Julian Bond

... high court will hear their appeals

The Court has been asked to decide the future of Mark Wendell Painter, 8, who, under a decree by the Supreme Court of Iowa, is living with "stable, dependable" grandparents in Iowa rather than with his "Bohemian" father in California. The father is bucking traditional Court reluctance to deal with family disputes.

Here is a sampling of major cases:

Civil Rights

Dr. King and seven other civil rights leaders seek review of contempt convictions and five-day jail sentences growing out of their spring, 1963, demonstrations in Birmingham that defied a city court injunction.

Police responded with clubs and dogs, helping to trigger the 1964 Civil Rights Act. The State contends that Dr. King should go to jail because he failed to test the injunction through the courts. The rights leaders contend that the injunction was void from the beginning.

Bond, a Negro and pacifist, says he was denied his Georgia House of Representatives seat because he spoke out on political issues. The State said he failed to measure up to standards set by the Legislature itself, but Bond claims a violation of his free speech rights and deprivation of his constituents' rights of political

expression.

The Court will hear arguments over whether civil rights workers who test their rights by inviting arrest may later sue the policemen who arrest them and a judge who punishes them after an error-filled trial. The 5th U.S. Circuit Court of Appeals said the Judge was immune but the policemen could be sued unless the workers, a band of ministers on a 1961 pilgrimage to Jackson, Miss., planned to be arrested.

A white man and his Negro wife, Richard and Mildred Loving, are challenging Virginia's miscegenation law in an appeal broad enough to bring down the laws of 15 other states that ban marriage between the races.

Whether the Court decides to review California's fair housing litigation probably

will depend on how the Justices interpret the action of the California courts.

Voters in a 1964 referendum approved the "Proposition 13" amendment to the State Constitution repealing fair housing laws and banning new ones. The State Supreme Court struck the amendment down.

A group of white Los Angeles landlords say the ruling meant that no government, State or local, could ever re-

peal a civil rights law. Negro tenants and would-be tenants reply that the amendment went far beyond merely repealing prior housing laws when it blocked any attempt to control housing discrimination.

Privacy

Teamster President James R. Hoffa is trying desperately to stay out of jail, where an eight-year term awaits him unless the Court rules that evidence of his attempts to fix a jury was gathered unconstitutionally.

Hoffa contends that the Justice Department invaded his hotel suits by means of its paid informant, a trusted Teamster named Edward G. Partin. The Government says it could not turn down Partin's offer to report wrongdoing because of the risk that jury-tampering efforts at a Hoffa trial would corrupt the verdict.

A Hoffa attorney, Z. T. Osborn, also seeks reversal of a jury-fixing conviction. He contends his 4th Amendment protection against unreasonable searches was violated when another informer, whose testimony was buttressed by a tape recording, discussed a bribery scheme with him.

Key to the Hoffa case may prove to be an ordinary-looking marijuana case set for argument next week after Hoffa's. It involves Duke Lee Lewis of Boston, who sold contraband goods to a man who proved to be a Federal agent.

Defending this classic technique, the Justice Department says it made no difference that the sale took place in Lewis's home. Lewis—and Hoffa too—were relying not on the security of their homes, but rather on the trustworthiness of others, the Government claims. Lewis's lawyer says the ruse was an evasion of the duty to get a search warrant.

These cases will not be decided in a vacuum. Former Senate Majority Secretary Robert G. (Bobby) Baker will be fighting tax evasion and theft charges in Federal Court here with a claim of "massive"

FBI electronic eavesdropping. His onetime associate, Fred B. Black Jr., is still trying to persuade the Court that admitted FBI "bugging" of his hotel suite should wash out his tax fraud conviction.

Free Speech, Press

The James J. Hill family and Life magazine are back before the Court with their dispute over a magazine feature that seemed last year to fall somewhere between constitutionally protected free expression and an invasion of privacy forbidden by New York law.

The Justices called for reargument of the case in June as they failed to reach a decision. They called for more briefing and argument pinpointed to interpretations of what the State courts did and what the State law means. Richard M. Nixon is scheduled to argue again on behalf of the Hills unless his nationwide stumping on behalf of con-

gressional Republicans interferes.

The Associated Press seeks to overturn a \$500,000 libel verdict in favor of right-wing former Maj. Gen. Edwin A. Walker. The Saturday Evening Post is also seeking review of a \$460,000 award to Wally Butts, former University of Georgia athletic director. In each case the publisher seeks extension to prominent news figures of the requirement, set by the Court two years ago, that public officials must prove actual malice, not a mere mistake.

Butts was a State employe when the magazine accused him of giving away football secrets, and the magazine says he was a public official anyway. The AP contends that Walker should bear the heavier burden of proof because, even though a wire dispatch about his actions contained an error, Walker thrust himself into the civil rights limelight during the 1962 rioting at the University of Mississippi. State courts have disagreed in separate decisions over the proper standard for the Walker dispute.

Obscenity

The obscenity inquiry, which centered last term on publishers, turns to the retailer. The question in three cases is how much proof is required to show that bookseller or newsstand operator is aware of the

content of publications that the State claims are obscene. A case from Arkansas tests the State's system of court-imposed prior restraints on distribution there.

Self-Incrimination

Five New Jersey policemen contend that convictions growing out of a ticket-fixing inquiry were obtained with the aid of statements they made under threat of losing their jobs. A lawyer who declined to produce records and testify at a New York ambulance-chasing inquiry seeks reversal of his disbarment of overruling of a 1961 Supreme Court decision that is squarely against him.

Some gamblers from Bridgeport, Conn., seek to overturn prior Court decisions from the 1950s upholding Federal gambling tax laws. They say Federal registration requirements leave them open to State prosecution if they obey Federal law.

A New York prisoner will seek to extend the ban on confessions obtained in the precinct stations without counsel or warnings by police to identification by a witness at a time that he was trying to get a lawyer.

Fair Trial

The celebrated Giles brothers rape case finds the State of Maryland, for the second time in four years, arguing that it did not unfairly suppress information vital to the defense of the accused.

John and James Giles, Negroes from Spencerville, Md., were sentenced to die for the 1961 rape of a 16-year-old Hyattsville girl until evidence casting doubt on the girl's accusations helped win them commuted life sentences. Their lawyers contend that Montgomery County prosecutor Leonard T. Kardy had a duty to disclose the information earlier, or else Maryland courts should entertain newly discovered evidence more generously.

In the case of condemned rapist Isaac Sims, the Justices will ask Georgia prosecutors why the State's highest

court refused to follow Supreme Court directives to let a judge pass on the admissibility of a confession before the jury hears it.

Two major cases will give the Court a chance to extend to State trials the 5th Amend-

ment's ban on double jeopardy and the 6th Amendment's requirement for a speedy trial.

Subversion

The Justices will examine how New York's Feinberg Law, aimed at allegedly subversive teachers, has worked out since 1952, when the Court rejected a premature challenge by secondary school teachers. This time the action comes from teachers who refused to comply with loyalty-check requirements at the University of Buffalo.

The Justice Department has the uphill task of persuading the Court that Congress made it a crime to travel to Cuba without State Department approval. The Court has upheld the Department's power to deny passports to some regions, but conservative Sen. James O. Eastland (D-Miss.) is among those who have said specific punishment has yet to be enacted into law. A woman and a group of former students raise the issue.

Religion

Maryland's grants to sectarian colleges were upheld by the State's highest court for schools that do not stress religion but were struck down for Catholic institutions where religion played a more prominent role in undergraduate life.

The State seeks review with the claim that the use to which the money is put—in these cases, science labs and dining halls—gives the answer to whether the money is unconstitutional aid to religion.

According to the parochial schools, the line drawn by the Maryland Court of Appeals was itself an unconstitutional preferment of one religion over another. If the Court agrees to hear the case, the entire Federal program of aid to higher education may be on the line as well.

Viet Medical Aid

TORONTO, Oct. 2 (AP)—The Canadian Friends (Quaker) Service Committee announced its second consignment of medical supplies for North and South Vietnam will be dispatched around Oct. 10. The portion going to the North Vietnamese Red Cross and the Red Cross of The National Liberation Front (Vietcong) will be put aboard a Soviet liner sailing from Montreal.